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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,015	01/02/2002	Paul S. Collins	ITL.0691US (P13222)	7522

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07/10/2003

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EXAMINER

GILMAN, ALEXANDER

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/039,015

Applicant(s)

COLLINS, PAUL S. *lu*

Examiner

Alexander Gilman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 10-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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### DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 2, 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al.

With regard to claims 1 and 2, Johnson et al (US 6,375,479) disclose a personal computer card (14) comprising:

an extensible antenna (Abstract, lines 12-14);

a coil spring (92); and

a track (col. 11, lines 58-62) laterally displaced with respect to the coil spring.

a catch (102) that retains the antenna (part of 24) in the retracted position,

the catch being spring biasing (col. 12, lines 37-41).

With regard to claim 10, Johnson et al disclose (Fig. 10) the traveler (24) that mounts said antenna.

With regard to claims 11-13, Johnson et al disclose the structural features of the computer card which is operated according to method steps claimed.

With regard to claims 14 and 15, Johnson et al disclose that the antenna moves approximately 27 mm (col. 7, lines 35-39 and Fig. 2-3).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Ishida et al.

With regard to claims 1, 2, Johnson et al (US 6,375,479) disclose a personal computer card (14) comprising:

- an extensible antenna (Abstract, lines 12-14);
- a coil spring (92); and
- a track (col. 11, lines 58-62) laterally displaced with respect to the coil spring.
- a catch (102) that retains the antenna (part of 24) in the retracted position,

With regard to claim 16, Johnson et al disclose a traveler (24) comprising:

- an antenna (Abstract, lines 12-14);
- a coil spring (92).

Johnson et al explicitly do not disclose that a track engaging element (102) forms a spring, particularly a cantilevered leaf spring.

Ishida et al (US 5,536,180) disclose (col. 3, lines 63-67 – col. 4, lines 1-8). the catch being spring biasing by cantilevered leaf spring (28)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Johnson et al catch as spring biasing by cantilevered leaf spring (28) as taught by Ishida et al, to prevent any jam in a case of a small inclination of the traveler (24) from a linear movement.

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With regard to claim 10, Johnson et al when modified by Ishida et al disclose (Fig. 10) the traveler (24) that mounts said antenna.

With regard to claims 11-13, Johnson et al when modified by Ishida et al disclose (Johnson et al) the structural features of the computer card which is operated according to method steps claimed.

With regard to claims 14 and 15, Johnson et al when modified by Ishida et al disclose (Johnson et al) that the antenna moves approximately 27 mm (col. 7, lines 35-39 and Fig.. 2-3).

With regard to claim 17, Johnson et al when modified by Ishida et al disclose (Johnson et al) track engaging element (98, 90) having U-shaped portion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Gilman whose telephone number is (703) 305-0847. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7724 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

Alexander Gilman

A handwritten signature in cursive script that reads "Alex Gilman".

June 30, 2003

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